

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION**

**REGULAR MEETING**

**MINUTES**

Jarvis Hall

***4505 Ocean Drive***

***Tuesday, July 23, 2013***

***7:00 P.M.***

**1. [CALL TO ORDER, MAYOR ROSEANN MINNET](#)**

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Finance Director Tony Bryan, Municipal Services Director Don Prince and Town Clerk Vanessa Castillo.

**2. [PLEDGE OF ALLEGIANCE TO THE FLAG](#)**

**3. [INVOCATION - Pauline Brooks McGuinness \(Representing the Bahai Faith\)](#)**

Pauline Brooks McGuinness gave the Invocation.

**4. [ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS](#)**

Mayor Minnet moved Item 17d ([Discussion of the West Commercial Boulevard Project – Electrical and Landscape Design Plans](#)) for discussion after Item 8b (Commercial Boulevard Projects Update).

**5. [PRESENTATIONS](#)**

Linda Connors introduced Sharon Foster as a new Code Enforcement Officer for the Town.

**6. [PUBLIC COMMENTS](#)**

Mayor Minnet opened the meeting for public comment.

Mark Silver asked the Commission to approve Item 17b (Strategic Marketing Plan) as presented by Ambit.

Mary Ellen Himes thanked the Commission for their positive response to resident concerns. She mentioned branding events and whether residents could rely on them.

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Bill Ciani spoke against suggestions that commercial property owners lower rents for business tenants, he asked that the Town help business owners with funding to renovate the facades of businesses.

Edmund Malkoon announced the POA's Fish Fry event for August 22, 2013, at Anglin's Beach Café.

John Boutin supported the Strategic Marketing Plan, but felt it should have more resident and business owner input. There would be a Biorock presentation by Dr. Tom Goreau in Jarvis Hall on July 26, 2013, at 6:00 p.m. He also spoke on the Town's number of hotel rooms.

Al Alvarez asked the Town to aggressively oversee the contractor for the east and west Commercial Boulevard construction and ensure lost hours due to weather were made up, and sufficient equipment and workers were onsite to speed up completion.

Cindy Geesey said the Rest, Relaxation and Romance USO Program would bring a soldier awarded a Purple Heart and his wife to the Town and donations were needed. A reception would be held for them on July 28, 4:00 p.m. to 5:00 p.m. at Jan's Candles and the Commission was invited to attend. She also thanked the Commission and Town Staff for their support and those who already donated.

Malcolm McClintock asked if Ambit could do a follow-up study in the high tourist season.

Ken Brennar discussed the current Town projects and felt that government should follow its own rules. He spoke about the landscaping plans for Commercial Boulevard.

Erik Yankwitt mentioned he provided evidence to the Town Manager in answer to allegations made against him during Public Comments at the last Commission meeting.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO Monthly Report – June 2013 (Captain Fred Wood)**

Lieutenant Holly Greene recognized BSO Deputy Hank Juntunen and Sergeant Ken Erwin for outstanding work in a recent robbery incident in which two of the three burglars were caught.

Vice Mayor Sasser understood a K-9 unit was involved in the incident and suggested bringing them to the meeting if they were involved in an apprehension of subjects again.

Mayor Minnet thanked BSO staff for their work at the Town's Fourth of July event.



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**Commissioner Dodd made a motion to accept the report. Commissioner Vincent seconded the motion. The motion carried 5-0.**

**b. [AMR EMS Monthly Report – June 2013 \(Chief Brooke Liddle\)](#)**

Mayor Minnet thanked AMR staff for all their work at the Town's Fourth of July event.

**Commissioner Dodd made a motion to accept the report. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

**c. [VFD Monthly Report – June 2013 \(Fire Chief Judson Hopping\)](#)**

Mayor Minnet thanked the VFD staff for working at the Town's Fourth of July event.

**Vice Mayor Sasser made a motion to accept the report. Commissioner Dodd seconded the motion. The motion carried 5-0.**

**8. [TOWN MANAGER REPORTS](#)**

**a. [June 2013 Finance Report \(Finance Director Tony Bryan\)](#)**

The report was accepted without discussion.

**b. [Commercial Boulevard Projects Update \(Town Manager Connie Hoffmann\)](#)**

(This item was discussed after Item 8c.)

Project Manager Albert Carbon and Paul Carty of State Contracting & Engineering Corporation (SCEC) gave an update on the Commercial Boulevard projects, as set forth in the backup. The east and west Commercial projects had separate crews, and the proximity of the sites was beneficial for the movement of equipment and materials. Mr. Carty addressed questions asked under Public Comments and said was unaware of any missing signage, noting he kept a business issues log, which he presented, to record issues raised by businesses, and how and when they were resolved.

**c. [Town Manager's Report \(Town Manager Connie Hoffmann\)](#)**

(This item was discussed prior to Item 8a.)

Town Manager Hoffmann reviewed her report as reflected in the backup. She mentioned she was still County working on a solution to an issue with the all-red signalization; a correction on the reference to a check for the remaining funds from the Town's Sister City program being delivered to Town Hall on July 19 it was actually delivered on June 19. She reported on communications with the County and the Army Corps of Engineers regarding restoration of the Palm Avenue portal after the Super Storm Sandy project as the Mr. Eric Myers of the County had told the Corps the

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County would restore the Portal after its project. She told Mr. Meyers it was unknown if the County's project would go forward, so the Town preferred if the County signed an agreement with the Town to restore the portal by a set date. Mr. Meyers replied that the County could not make such an agreement, so she said the agreement with the Army Corps should state that they would restore the Palm Avenue portal at the end of their project. She was later told that the Army Corps felt the portal was too expensive to restore for the amount of sand they were delivering. The Corps responded that they wanted to use the Hibiscus Avenue portal instead. Town Manager Hoffman asked for the Commission's direction, and opined that the use of Hibiscus was problematic in the middle of the tourist season and thought Flamingo Avenue might be a better solution.

Commissioner Vincent felt the Town had been very vocal on the Palm Avenue portal being restored, and he was shocked and disappointed at what was transpiring.

Town Manager Hoffmann indicated the County staff said the Army Corps tended to arbitrarily make changes and threatened to withdraw funding if their wishes were not complied with.

Commissioner Brown asked why Flamingo Avenue was preferred over Hibiscus Avenue.

Mayor Minnet recalled the Corps' first choice was Flamingo Avenue.

Commissioner Brown understood the Town planned to repair the Palm Avenue portal but hoped the Corps would make the repairs at the end of their project.

Town Manager Hoffmann said the Town had no plan to repair the Palm Avenue portal and believed the design flaw could be corrected when Army Corps replaced the portal.

Commissioner Brown supported the Super Storm Sandy Sand Project, stating he was tired of the constant glitches and hoped the County would step in and help.

Vice Mayor Sasser said he originally opposed the Army Corps project but had changed his mind to satisfy the public's rallying cries for the free sand; given the latest developments he reverted to his original position of opposing the project.

Mayor Minnet supported using the Palm Avenue portal, as Municipal Services Director Don Prince voiced major concerns with Flamingo Avenue.

Mr. Prince confirmed his concerns about using Flamingo Avenue.

Mayor Minnet felt if the Palm Avenue portal suffered damage from the Corps' project, the Town should include the portal's repair in its budget.

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Commissioner Dodd thought using the Palm Avenue portal was best, and the sand was free until the cost to repair the portal exceeded the value of the sand. He suggested installing a removable portal.

**Commissioner Dodd made a motion to approve permitting the Army Corps of Engineers the use of the Palm Avenue Portal as a delivery site by the Super Storm Sandy Beach Re-nourishment Project. Commissioner Brown seconded the motion. The motion carried 4-1. Vice Mayor Sasser voted no.**

**9. TOWN ATTORNEY REPORT**

(This item was discussed after Item 17d.)

Town Attorney Trevarthen gave a brief update on the Town's pending litigation matters as illustrated in the backup: 1) the lawsuit against Broward County on the Resource Recovery Board - 12 participating cities to date; the cities were to hold a negotiation session with the County on July 31, 2013; and 2) bankruptcies related to distressed properties.

**10. APPROVAL OF MINUTES**

- a. May 14, 2013, Town Commission Meeting Minutes
- b. May 28, 2013 Town Commission Meeting Minutes

**Commissioner Dodd made a motion to approve the above stated minutes as presented. Commissioner Brown seconded the motion. The motion carried 5-0.**

**11. CONSENT AGENDA**

- a. Manufacturing and Installation of Wayfinding Signs Award (Assistant Town Manager Bud Bentley)
- b. Approval of East Commercial Streetscape Improvement Project Construction Administration Design Service for Architectural Alliance and Flynn Engineering in the amounts of \$35,600 and \$22,382 respectively (Project Manager Paul Carty)
- c. Bel Air Drainage Design Award (Municipal Services Director Don Prince)

**Commissioner Dodd made a motion to approve items 11a, 11b and 11c on the Consent Agenda. Commissioner Vincent seconded the motion. The motion carried 5-0.**

**12. ORDINANCES – PUBLIC COMMENTS**

- a. Ordinances 1<sup>st</sup> Reading



- i. **Ordinance 2013-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, TO REVISE AND CLARIFY SIGN TYPES, SIGN REQUIREMENTS AND STANDARDS, AND DEFINITIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (TOWN PLANNER LINDA CONNORS)**

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

Commissioner Dodd questioned the March 27, 1999, date on line 1151.

Town Attorney Trevarthen believed the date was a part of the existing code and stemmed from one of the past times the sign code changed.

Commissioner Dodd expressed concern over nonconforming signs in line 1157.

Town Planner Connors explained when a tenant changed, the face of the sign changed, but the structure stayed the same, and the code required that if the structure of a roof sign changed, other signs had to change for consistency. The proposed amendment to the code permitted changes to sign colors if they were consistent with other signs.

Commissioner Brown questioned if the proposed changes to the sign code might require an existing business in RM25 to remove existing neon signs.

Town Planner Connors answered no, the changes added flexibility to encourage the use of Midcentury Modern (MIMO) signage. Neon signs were not allowed in the RM25, but most of the existing neon signs were MIMO.

Vice Mayor Sasser mentioned the renovations done by Athena By The Sea.

Town Planner Connors responded that the current code provision stated if a building was redeveloped to a certain percentage, nonconforming signage had to be changed. The Commissioner directed staff to research how existing signage could be preserved, and the proposed amendment to the sign code accomplished that.

Commissioner Vincent clarified the code stated if someone purchased a building and changed one sign, it was understood they had to change all the signs for consistency.

Town Planner Connors affirmed this to be the case.

**Commissioner Dodd made a motion to approve Ordinance 2013-07. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

**b. Ordinances 2<sup>nd</sup> Reading**

- i. **Ordinance 2013-09:** ORDINANCE 2013-09 AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA AMENDING CHAPTER 12 "LICENSES", ARTICLE I, "BUSINESS TAXES" OF THE CODE OF ORDINANCES; AMENDING SECTION 6.5-7 "ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS" OF CHAPTER 6.5 "CODE ENFORCEMENT"; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE. (ASSISTANT TOWN MANAGER BUD BENTLEY)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

**Commissioner Dodd made a motion to approve Ordinance 2013-09. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

**Recess/Reconvene**

(These items discussed after Item 17b)

**13. RESOLUTIONS – PUBLIC COMMENT**

- a. **Resolution 2013-29:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, OPPOSING BROWARD COUNTY'S PROPOSED HISTORIC PRESERVATION ORDINANCE AND URGING THE BROWARD COUNTY COMMISSION TO EITHER REJECT THE PROPOSED HISTORIC PRESERVATION ORDINANCE, OR AMEND THE ORDINANCE SO THE MUNICIPALITIES CAN CHOOSE WHETHER TO SUBJECT THEMSELVES TO IT REQUIREMENTS. (TOWN MANAGER CONNIE HOFFMANN)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

**Commissioner Dodd made a motion to approve Resolution 2013-29. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

- b. **Resolution 2013-31:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA ADOPTING AN EXTENDED EMPLOYMENT AGREEMENT FOR CONSTANCE HOFFMANN AS TOWN MANAGER; PROVIDING FOR CONFLICT AND FOR AN EFFECTIVE DATE. (MAYOR ROSEANN MINNET & TOWN ATTORNEY SUSAN TREVARTHEN)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input. The Commission appointed her to confer with the Town Manager and hoped the rest of the Commission would approve the subject agreement. Town Manager Hoffmann came to the Town at a challenging time and achieved significant and expeditious progress due to her direction and choice of staff.



Vice Mayor Sasser thanked Mayor Minnet for serving as the Commission's liaison, and the Town Attorney for her assistance. He stated the Town Manager, had done a wonderful job. He had no doubt in the Town Manager's abilities, and his only issue had been with the removal of the cap on vacation days should termination occur. This was cleared up with the Town Manager, as she said the payment of vacation days was still limited by another provision in the contract which limited the amount that could be accrued at the end of each year.

Town Attorney Trevarthen clarified the two provisions being discussed were section 2.5e, deleting the maximum of 40 days the vacation leave that accrued and was paid out upon separation from the Town. The second referred to section 5.3, regarding vacation leave, excess leave and how it would be dealt with.

Vice Mayor Sasser felt the checks and balances were still in place in the agreement.

**Commissioner Dodd made a motion to approve Resolution 2013-31. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

Town Manager Hoffmann stated working with the Town Commission and staff, and serving the Town was the most enjoyable job of her career.

- c. **Resolution 2013-32: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A JOINT PROJECT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT DRAINAGE IMPROVEMENTS; AND PROVIDING FOR IMPLEMENTATION, COPIES AND AN EFFECTIVE DATE. (TOWN MANAGER CONNIE HOFFMANN)**

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

**Commissioner Dodd made a motion to approve Resolution 2013-32. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

#### **14. QUASI-JUDICIAL PUBLIC HEARINGS**

None

#### **15. COMMISSION COMMENTS**

Commissioner Brown announced that at the Broward Metropolitan Planning Organization (MPO) meeting, he proposed a motion for the MPO to send a letter or resolution to the Florida Department of Transportation FDOT, encouraging them to allow municipalities to use their traffic poles for public safety related cameras. He said the motion passed 18 to 1. An MPO representative said FDOT refused on the grounds that it was not specifically allowed by the State Legislature, so the MPO agreed to place the matter on their lobbying list. Commissioner Brown also reported that



representatives from the MPO and FDOT met with the Town Manager, residents of the Fountainhead and himself to present their plan for a roundabout in front of the Plaza East and the Fountainhead. The Fountainhead residents were very enthusiastic, but they sought assurance they could access Flamingo and their driveways. FDOT indicated they would conduct traffic studies in the wintertime, and those counts would be the basis of their recommendations. If approved, the project would be done in 2014/2015, the MPO was ready to fund.

Mayor Minnet mentioned that Bill Davis, a Chamber volunteer, was moving to Delaware due to an illness and asked everyone to keep him in their thoughts. She thanked Mr. Davis for his contributions to the community and wished his family and him all the best. At the last Broward League of Cities meeting, Mayor Ortis of Pembroke Pines issued a challenge to fill The Pantry, a Broward food bank. She encouraged everyone to drop off donations at the Visitors Center. Mayor Minnet also reported that Bugfest began and went through to Friday, and the event had grown through volunteerism of the Town's diving community. Mayor Minnet indicated the next Commission meeting was August 20, 2013. There was now free parking in the A1A parking lot, and she encouraged everyone to use it. In reference to a public comment on asking landlords to consider reducing rents during construction, she clarified she made the comment at a previous meeting when that landlord stated the rents charged were ridiculously high. As a landlord, she personally had reduced rents in order to help her business tenants during difficult times.

Commissioner Dodd reported that a Hillsboro Inlet meeting was held where they discussed the next fiscal year's budget and set the budget hearing dates. He also noted the second quote they received for painting the workboats was approved as it was more reasonable. The ruling depth for accessing the inlet was 11 feet down the centerline at low water, and the legal case over the flow meter for the dredger continued.

Town Manager Hoffmann informed the Commission that, as of 5:00 p.m., there were 169 reservations for the Bugfest lobster dinner on Friday night.

## **16. OLD BUSINESS**

### **a. Yard Waste Service (Assistant Town Manager Bud Bentley)**

**Vice Mayor Sasser made a motion to approve item 16a. Commissioner Dodd seconded the motion. The motion carried 5-0.**

### **b. Agreement for services between VFD and the Town (Town Manager Connie Hoffmann)**

Town Manager Hoffmann reviewed the agreement, focusing on the changes made to clarify issues, as noted in the backup. The agreement would come back to the Commission for formal adoption on August 20, 2013.

**17. NEW BUSINESS****a. FP&L Power Outage Priorities (Vice Mayor Scot Sasser)**

Vice Mayor Sasser mentioned the Commission received an email about power outages due to vegetation on a particular property growing into the lines. The Town worked with FP&L to cut back the vegetation. He said, putting together a town-wide program would take considerable staff time, and the Commission was being asked to direct staff to prioritize and focus on the particular issue first.

Mayor Minnet saw the matter was a town-wide priority, despite the staff time it would take to address the problems.

Town Manager Hoffmann commented the immediate plan was for Town staff to handle complaints as they came in. When staff went door-to-door in Terra Mar, it required a lot of time, and violation notices were just being sent out.

Town Planner Connors affirmed notices of citations were sent out the past Friday, and the cases would go before the Special Magistrate on August 19.. FP&L and Broward confirmed trees in the right of way that were not specimen trees could be removed without a permit.

Commissioner Dodd favored issuing code violations to people who insisted on keeping trees under power lines that adversely affected the electricity of everyone in the area. The measures taken to trim or remove trees should be implemented town wide. He asked if FP&L could provide the Town with a list of concrete and wooden poles currently in their replacement program with their replacement date. Neighborhoods were not being singled out, and the first step was to address areas with the worst reliability.

Commissioner Vincent believed there should be no separation between tree trimming for hurricane season and year round maintenance town wide.

Town Manager Hoffmann said FP&L informed the Town they only removed palm trees.

Mayor Minnet echoed support for the Town to take an aggressive stand, as it affected the greater community. An article could be placed in *Town Topics*, and on Channel 78 and the U-verse channel to let the Town's people know the code would be enforced.

Commissioner Brown sought confirmation that the Town did not have the authority to go on private property, remove vegetation and send the owner the bill for doing so.

Assistant Town Manager Bentley replied the Special Magistrate could issue an order to Town staff to remove the vegetation and bill the property owner.



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Commissioner Brown agreed the situation was a priority and suggested hiring an outside firm to survey the Town and report which trees were causing problems, then the an enforcement strategy could be decided.

Commissioner Vincent felt if problematic vegetation was identified, property owners could be notified to remove it rather than issuing them a citation.

Town Planner Connors replied this was the first approach, as property owners with vegetation that had to be removed were required by FP&L to sign a letter. Citations were only issued to those refusing to sign. FP&L had the right to go onto properties and remove vegetation, but they chose not to exercise that right.

**There was a Commission consensus to direct Town staff to present solutions.**

**b. Strategic Marketing Plan (Assistant To The Town Manager Pat Himmelberger)**

(This item was discussed after Item 12b)

Mayor Minnet asked for and received no further public comment on the marketing plan.

Kathy Koch, Ambit Advertising and Public Relations, reviewed the Strategic Marketing Plan as set forth in the backup.

Mayor Minnet expressed surprise at there being no mention of international visitors, as the Town had numerous visitors from Europe and South America.

Ms. Koch replied their research did not reveal the same international market the Mayor alluded to, but they were willing to devise advertising to attract more international visitors to the Town, depending on the budget and/or by partnering with another entity.

Mayor Minnet indicated many European visitors came to the Town during summer, and this might be the reason for the low numbers in the study in March.

Ms. Koch said the study could be modified to incorporate the international market, as they already had numbers for Broward County, where visitors came from specifically, and she could utilize that data with the Town's data about its tourist market.

Mayor Minnet remarked on there being no mention in the study of cruise ship visitors, as they were a captive audience and wondered how to motivate them to visit the Town.

Ms. Koch agreed the possibility should be explored further, such as arranging for buses/shuttles to bring visitors to the Town.

Mayor Minnet favored the Marketing Plan, though some of the dollars could be tweaked. A positive marketing plan was needed, so when the east and west Commercial projects were completed, businesses affected by the construction could be promoted.

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Commissioner Brown opposed spending public money to benefit businesses. He liked some of the ideas on niche target publications and media choices listed in the Plan, and he was prepared to support it for a year. The Plan should include a Town map, and promotional efforts should be coordinated with the Chamber to prevent duplication.

Vice Mayor Sasser echoed objections on spending public money to help businesses. The successful hotels in the Town were successful due to the sound practices of owners, so it was unnecessary to devise ways to push visitors to hotels where practices were not as sound. He thought \$100,000 for a marketing plan sufficient, and he agreed doing the study in March resulted in the omission of a large segment of the Town's tourist trade. The Town invested in events, and it was on the successful events the Town should focus its resources. Vice Mayor Sasser supported the Plan at its present scale, stating the Town should partner with key entities to attract visitors.

Commissioner Vincent supported the branding of the Town as a place to visit and live. He believed promoting the Town's hotels should focus on viable hotels that better represented what the Town offered.

Ms. Koch concurred, as the Plan proposed to promote the superior small lodging (SSL) hotels.

Commissioner Vincent felt the Plan should benefit everyone in the Town, not just businesses.

Commissioner Dodd agreed the Town's viable hotels promote the Town in a positive manner in order to attract and retain visitors. He understood promoting hotels on the SSL list, but there might be hotels seeking to get on that list that should not be left out of any promotions.

Mayor Minnet acknowledged a Commission consensus to have the marketing budget at \$100,000, and Ms. Koch should look into addressing the concerns of the Commission.

Town Manager Hoffmann noted Town staff and Ambit representatives would address the issues raised by the Commission. She did not foresee the Town advertising specific businesses, but it was possible to create a banner to post atop a co-op ad, and a hotel could choose to place an ad on the page. Another possibility was to emphasize in advertising different sellable aspects of the Town, such as diving, great seafood. She clarified it would not be appropriate for the Town to advertise or promote individual businesses.

Commissioner Vincent agreed the Plan should only promote the overall Town.

- c. Discussion on deleting Chapter 30, Article IX Notice of Intent of Pending Land Development Regulations from Town's Code of Ordinances (Town Planner Linda Connors)



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(This item was discussed after Item 17a)

**Commissioner Dodd made a motion to approve item 17c as presented. Commissioner Brown seconded the motion. The motion carried 5-0.**

**d. Discussion of the West Commercial Boulevard Project – Electrical and Landscape Design Plans (Vice Mayor Scot Sasser)**

(This item was discussed after Item 8b)

Wayne Dillistin from Interior Digs felt that all electrical lines in the project should be underground and opposed the exterior landscape design, as plants and bushes would cover the visibility of his business.

Vice Mayor Sasser stated Town staff did a great job working with FP&L trying to resolve these issues. On the matter of the trees in front of the businesses, he recalled being in favor of placing a large part of the tree canopy along Commercial Boulevard. He was concerned that there were Town codes that allowed a reduction in the visibility of signage.

Commissioner Dodd mentioned attending the meeting the previous Friday and congratulated Mr. Carbon and FP&L for arriving at an acceptable compromise.

Mr. Carbon gave a summary of how the resolution with FP&L was reached, as stated in the backup, noting it would improve the pedestrian environment in the alleyway.

Commissioner Vincent inquired as to the vacating of the fourth riser owned by Interior Digs, wondering why it could not be used as a Town riser to the underground.

Mr. Carbon replied that staff looked at Interior Digs' electrical service, and both risers going into their incoming service panel were active, so no risers were abandoned as had been suggested.

Landscape Architect Hugh Johnson reported that he had met with the owners of Interior Digs, after which he prepared a quick elevation of the front of their building. To address the issue of visibility, it was decided coconut palms would be placed in new pedestrian promenade; the trees would fall directly between businesses. He said the top of the palms would first fall within the second floor of the businesses, and their average annual growth was two and a half feet. The current specification for the palms was an eight-foot trunk, giving clear visibility to 11 or 12 feet; increasing the initial height would increase the cost of the palms.

Town Manager Hoffmann questioned if the trees would block any signs.

Mr. Johnson responded trees would not be planted directly in front of retail stores; they would be planted where two businesses met.

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Vice Mayor Sasser thought if there was a way to remove the interior palms without spoiling the aesthetics of the landscaping, the matter should be considered.

Commissioner Brown asked if other businesses on the west expressed similar concerns, asking staff to visit the businesses to find out how they felt about where the palms would be planted. If other business did not object to the palms, possibly the tree by Interior Digs could be replaced with lower plantings.

Mr. Johnson reiterated there was no tree planted in front of Interior Digs.

Town Manager Hoffmann commented that once any trees were removed at a business owners' request, multiple businesses would make the same request and the Town would risk spoiling the overall aesthetic value.

Commissioner Vincent stated no one mentioned Interior Digs' second floor display windows, which was a unique arrangement the owners took pride in. He felt concern that the canopy of the palms would interfere with the visibility of the display windows.

Mr. Johnson noted the tree would obstruct visibility of the window display from only one particular angle and nowhere else, and that would not happen for two to three years.

Commissioner Vincent questioned the maximum height the palms could grow to.

Mr. Johnson believed they grew 30 to 40 feet of trunk and then slowed down.

Commissioner Dodd said the Town needed more shade trees, asking if there were plans to create shade and make the ambiance more pedestrian friendly on the sidewalks. If possible, the Town could go 50/50 with Interior Digs on the cost for more mature trees. He understood the problem and sympathized with Interior Digs.

Mayor Minnet asked how long had businesses known about the current plan.

Mr. Johnson remarked the plan had been known from the beginning of the project, including placing the palms on the pedestrian plaza in between the businesses.

Mayor Minnet felt constant revisions might lead to the loss of the \$100,000 landscaping grant.

Mr. Dillistin indicated his request was for all the trees to be brought down for both sides of the street, not just by his business, as he felt the current plan was not conducive to the business community. He was willing to go door-to-door with a petition of support. He thought the problem with coconut trees was the potential risk of the nuts falling on people, and they were not adequate shade trees. He was sure other businesses felt his concerns about the trees and now was the time to lower their height.



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Mayor Minnet questioned if it were possible to move the tree by Interior Digs back into the pedestrian area walkway as a solution.

Mr. Johnson answered yes, it was possible.

Mayor Minnet preferred not to change the landscape plan. If something was not right, the Town Commission, staff and the project team would work to make it right.

Vice Mayor Sasser asked if there was a consensus for the landscaping to remain as is.

Commissioner Vincent thought it a good suggestion to move the tree back 15 or 20 feet.

Mr. Johnson reiterated the aim was for everyone to be satisfied with the landscaping, so he could explore suggested options for the tree at Interior Digs.

Vice Mayor Sasser felt further changes to the current design only added expense.

Mayor Minnet asked for a motion or consensus to change the design.

Vice Mayor Sasser made a motion to significantly lower the tree canopy for all buildings. Commissioner Vincent seconded the motion.

Mr. Johnson explained the recommended coconut palms would have a 30 to 35-foot diameter; this was significant, as the promenades were 18 to 20 feet wide. Lowering the trees or adding low vegetation would block the storefronts.

Mayor Minnet thought it best to listen to the landscape architect.

Commissioner Vincent supported no change if it would affect the grant funding.

Mr. Johnson said at both negotiations with FDOT, it was made clear as soon as construction began, an FDOT landscape inspector would monitor the projects progress regularly, along with its compliance with the approved landscape plan.

Commissioner Dodd wished it to be clear, in the motion, that veering from Mr. Johnson's landscape plan would work against the goal of the plan and make visibility worse.

Commissioner Vincent sought clarification if the landscape design were changed as recommended by the motion, could it void the FDOT grant.

Town Manager Hoffmann replied the grant would not be voided, but the Town would have to renegotiate with FDOT, as Mr. Johnson had to redesign the landscape plan and, as FDOT tended to move slowly, it would likely delay the project.

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**Vice Mayor Sasser made a motion to approve that the landscape architect lowering the tree canopy on the pedestrian walkway on all four plazas. Commissioner Vincent seconded the motion. The motion failed 2-3 with Mayor Minnet and Commissioners Brown and Dodd voting no.**

**Commissioner Dodd made a motion to approve the landscape plan as presented. Commissioner Brown seconded the motion. The motion passed 3-2 with Vice Mayor Sasser and Commissioner Vincent voting no.**

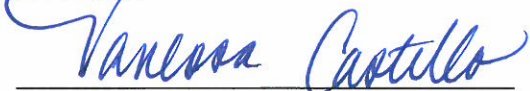
**18. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:26 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk Vanessa Castillo

10/8/13  
Date